

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES****May 13, 2010****Crowne Plaza SFO
1177 Airport Blvd.
Burlingame, CA 94010****Board Members Present**

Frederick Lerner, D.C., Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Board Members Absent

Hugh Lubkin, D.C., Vice Chair

Staff Present

Robert Puleo, Interim Executive Officer
LaVonne Powell, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Beckie Rust, Associate Governmental Program Analyst
Valerie James, Office Technician
Ray Delaney, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 10:20 a.m.

Roll Call

Dr. Columbu called the roll. All members were present except Hugh Lubkin, D.C., Vice Chair.

Chair's Report

Dr. Lerner moved past the Chair's Report since items are being discussed during later topics.

Federation of Chiropractic Licensing Boards Annual Conference – Outstanding Chiropractic Licensing Board Award

Dr. Lerner, Dr. Lubkin, and Mr. Puleo attended the conference and Dr. Lerner provided an update from the conference. Some topics we will look at as a Board, others we cannot due to how our Act is written. Some topics discussed were national and international mobility, temporary licenses, US Federal Data Reporting Requirements, documentation and record keeping, testing regulations, and regulating Chiropractic Assistants.

Dr. Lerner announced that the Board received the "Outstanding Chiropractic Licensing Board Award".

Approval of Minutes

March 18, 2010 Board Meeting

MOTION: DR. TYLER MOVED TO APPROVE THE MINUTES

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Public Comment

Kendra Holloway asked for more specific details on the complaints received regarding spinal decompression.

Mr. Puleo responded that the complaints are regarding misleading advertising.

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Ms. Powell stated there is no new information to be brought forward.

Interim Executive Officer's Report

Mr. Puleo gave the Interim Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

MOTION: DR. LERNER MOVED TO APPROVE SAMPLE B FOR THE BOARD'S LOGO

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Ratification of Approved License Applications

MOTION: DR. TYLER MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Discussion

None

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Discussion

None

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

None

Recommendation to Waive Two Year Requirement to Restore a Cancelled License

None

Enforcement Committee Meeting Update

Dr. Lerner provided an update from last weeks meeting.

Dr. Lerner, Mr. Puleo, and Ms. Powell discussed the provisions of SB1111 that the Board would be interested in pursuing through a regulatory package.

Legislative Update

A. SB1111 (Negrete McLeod)

Dr. Lerner stated this is currently a dead bill.

Ms. Powell recommended the Board keep an eye on this bill in case it comes back.

B. AB1996 (Hill)

Mr. Puleo provided an update stating the language hasn't changed since the amendment in April. It passed out of the assembly with bipartisan support and is currently waiting to be assigned to committees.

Dr. Lerner, Mr. Puleo and Ms. Powell discussed getting regulations started.

C. SB1413 (Leno)

Mr. Puleo stated this bill deals with healthy choices and options for school children and would require the school districts to provide access to free drinking water and food service.

MOTION: DR. COLUMBU MOVED TO SUPPORT SB1413
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Discussion
None

Public Comment
None

D. SB1255 (Padilla)

Mr. Puleo stated this bill deals with healthy choices and options for school children and would limit the availability of sports drinks in schools.

MOTION: DR. COLUMBU MOVED TO SUPPORT SB1255
SECOND: DR. STEINHARDT SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Discussion
None

Public Comment
None

E. AB2705 (Hall)

Mr. Puleo stated this bill deals with exercise during school.

MOTION: DR. COLUMBU MOVED TO SUPPORT AB2705
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Discussion
None

Public Comment
None

F. Any Other Bills of Interest to the Board

Mr. Puleo stated there are no other bills at this time.

Proposed Regulations

A. Continuing Education

Ms. Powell provided an update stating the CE regulations were noticed and we received a petition filed under the Administrative Procedure Act. She recommends the Board hold a hearing to address the regulations as well as the petition.

Dr. Lerner, Mr. Puleo and Ms. Powell had a discussion on the current 45 day comment period.

B. Fingerprint Submissions

Ms. Van Allen provided an update stating the regulation package was submitted to the Office of Administrative Law (OAL) on April 19, 2010 and the 45 day comment period will end on June 14, 2010. No written comments have been received at this time.

MOTION: DR. LERNER MOVED TO ADOPT THE LANGUAGE AS NOTICED AND DELEGATE TO THE EXECUTIVE OFFICER TO RESPOND TO POSITIVE COMMENTS AND FILE WITH OAL IF NO NEGATIVE COMMENTS ARE RECEIVED

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Discussion

None

Public Comment

None

E. California Code of Regulations Section 314 (Law Violators)

Ms. Van Allen provided an update stating the regulation package was submitted to OAL on April 19, 2010 for approval and OAL's deadline to approve or deny is June 1, 2010. No written comments have been received at this time.

MOTION: DR. LERNER MOVED TO ADOPT THE LANGUAGE AS NOTICED AND DELEGATE TO THE EXECUTIVE OFFICER TO RESPOND TO POSITIVE COMMENTS AND FILE WITH OAL IF NO NEGATIVE COMMENTS ARE RECEIVED

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Discussion

None

Public Comment

None

Cost Recovery for Petitioner Hearing

Mr. Puleo discussed details on the cost of petitioner hearings and asked the Board if they wished to require petitioners to pay cost recovery.

MOTION: DR. LERNER MOVED TO CHARGE AN APPLICATION FEE TO PETITIONERS FOR REINSTATMENT

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Discussion

The Board members, Mr. Puleo and Ms. Powell discussed the option of charging an application fee.

Public Comment

None

MOTION: DR. LERNER MOVED TO HAVE THE APPLICATION FEE FOR PETITIONERS REQUESTING REINSTATMENT BE \$2,000

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Discussion

None

Public Comment

None

Public Comment

None

Future Agenda Items

Dr. Lerner provided two future agenda items:

- 1.) Satellite certificate regulations and fees
- 2.) Signing of license certificate by Board Members vs. Executive Officer

Dr. Steinhardt would like to discuss Scope of Practice section 302.

Hearings re: Petition for Reinstatement of Revoked License

Administrative Law Judge Michael C. Cohn presided over and Deputy Attorney General Joshua Room appeared on behalf of the people of the State of California on the following hearings:

- Robert Bostock
- Richard Warner
- Linda Powers

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 4:30 p.m.

Attachment A

Approval By Ratification of Formerly Approved License Applications March 1, 2010 – April 30, 2010

Name (First, Middle, Last)			Date Issued	DC#
Matthew	George	Bernal	3/3/2010	31570
Marshea	Darlene	Evans	3/3/2010	31571
Tracy	A	Goldych	3/3/2010	31572
Abraham	Hershel	Grosswasser	3/3/2010	31573
Heather	Lynn	Guillen	3/3/2010	31574
Andrew	Jacob	Gutierrez	3/3/2010	31575
Jacob	William Tracey	Harris	3/3/2010	31576
Bradley	Philip	Hartung	3/3/2010	31577
Douglas	Paul	Knapp	3/3/2010	31578
Gabrielle	Denise	Kovelman	3/3/2010	31579
Michael	John	Krejci	3/3/2010	31580
Nina	Hong Quyen	La	3/3/2010	31581
Euiwoong		Lee	3/3/2010	31582
James	Edgar	Allen III	3/11/2010	31583
Michelle	Capri	Bean	3/11/2010	31584
Joshua	Daniel	Ben	3/11/2010	31585
Erika	Beatriz	Bonilla	3/11/2010	31586
Laurel	Lyn	Butts	3/11/2010	31587
Jesstofed	Manuel	Cacho	3/11/2010	31588
Joshua	Alan	Caldwell	3/11/2010	31589
Stephanie	F.	Canada	3/11/2010	31590
Spencer	James	Cruttenden	3/11/2010	31591
Pouriya		Elyasi	3/11/2010	31592
Anne Carole	Geraldine	Fouceteau-Rector	3/11/2010	31593
Cali		Ha	3/11/2010	31594
Tarik	Maurice	Hyams	3/11/2010	31595
Annie		Issagholyan	3/11/2010	31596
Michael	David	Isseks	3/11/2010	31597
Maxwell	Ray Martice	Lippman	3/11/2010	31598
Kelly	Shawn	Maguire	3/11/2010	31599
Wade	Lewis	Malesich	3/11/2010	31600
Tirtha		Mendake	3/11/2010	31601

Katja	Jackeline	Backe	3/11/2010	31602
Shalese		Madison	3/11/2010	31603
Douglas	Charles	Pierce	3/16/2010	31604
Kevin	Michael	Pierce	3/16/2010	31605
Jennifer	Hee Eun	VanCleave	3/16/2010	31606
Surachna		Virdi	3/16/2010	31607
Jessie	Lyn	Young	3/16/2010	31608
Mary	Florence	Carmella	3/18/2010	31609
Gordon	Joseph	Grobelny	3/18/2010	31610
Jennifer	Chang-Jean	Lui	3/18/2010	31611
Brett	Edward	Davis	3/23/2010	31612
Tena	Ann	Hosner	3/23/2010	31613
Timothy	Scott	Hulsey	3/23/2010	31614
Kyu	Sung	Hwang	3/23/2010	31615
Tina	Marie	Krell	3/23/2010	31616
Martin	Matthew	McDonald	3/23/2010	31617
Monique	Marie	Motil	3/23/2010	31618
Stephanie		Chiu	3/24/2010	31619
Ghazi	Samir	Idriss	3/24/2010	31620
Hector	Manuel	Rivera-Melo	3/26/2010	31621
Amy	Amanda	Sanders	3/26/2010	31622
Jeffrey	Alan	Herbert	3/26/2010	31623
Lynnard	Abella	Cabanas	3/26/2010	31624
Valerie	Jean	Cachola	3/26/2010	31625
Suzanne	Alicia	Chavez	3/26/2010	31626
Charlene	May	Lohmueller	3/26/2010	31627
Eric	B	Pascua	3/26/2010	31628
Nicky		Silver	3/26/2010	31629
Raymond	Gonzales	Rojas	3/30/2010	31630
Sheena	Danielle	Smith	3/30/2010	31631
Lance	Allen	Turner	3/30/2010	31632
Lindsey	Keeler	Mathews	4/8/2010	31633
Mai	Tran	Bui	4/14/2010	31634
Elena	Marie	Porter	4/23/2010	31635
Cassandra	Marilyn	Ramos-Barnes	4/23/2010	31636
Alicia	Jane	Thomsen	4/23/2010	31637
Evan	Edgar	Brady	4/23/2010	31638
Melissa		Diaz	4/23/2010	31639
Anna		Gasparian	4/23/2010	31640
Armen		Manoucherian	4/23/2010	31641

Dakota	Ray	Montgomery	4/23/2010	31642
Audrey	Elizabeth	Myers	4/23/2010	31643
Erin	Iselin	Christiansen	4/26/2010	31644
Megan	Jean	Duchek	4/26/2010	31645

Attachment B

Ratification of Formerly Approved Continuing Education Providers

Name (First, Middle, Last)	Date Approved
<hr/>	
▪ Marcus S. Strutz, D.C.	04/20/2010
▪ Spinal Reflex Institute, International	04/30/2010